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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/502,280	05/11/2005	Andreas Myka	P3441US00	3300

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DITTHAVONG MORI & STEINER, P.C.
918 Prince Street
Alexandria, VA 22314

EXAMINER

LIN, WEN TAI

ART UNIT	PAPER NUMBER
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2454

NOTIFICATION DATE	DELIVERY MODE
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02/26/2010

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docket@dcpatent.com

Office Action Summary	Application No. 10/502,280	Applicant(s) MYKA ET AL.	
	Examiner Wen-Tai Lin	Art Unit 2454	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 December 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-3, 5-7, 9 -15, 17-19, 21-30, 32-34 and 36-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-3, 5-7, 9 -15, 17-19, 21-30, 32-34 and 36-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 2-3, 5-7, 9 -15, 17-19, 21-30, 32-34 and 36-37 are presented for examination.
2. The prosecution of this application is re-opened because of a newly found prior art reference (Alfvín et al. [U.S. Pat. No. 7231367]).
3. Claims 3, 6-7, 9-15, 17-19 and 21-28 are objected to because the following terms lack antecedent basis:
 - (1) claims 3 and 6-7: "the remote data repository";
 - (2) claim 10: "the external data storage";
 - (3) claims 13: "the remote data repositories";
 - (4) claim 13: "the mobile terminals"; and
 - (5) claim 25: "the information block".
4. It is noted that the term "adapted to" in claims 2, 24-25 and 37 is not a limitation and does not constitute any patentable sense. For purpose of prior art rejection in this office action, the term is being construed as "providing a means to" in all these claims.
5. Claim 12 is objected to because it depends on a canceled claim (4). For purpose of this office action, claim 12 is construed as being dependent on claim 3. Correction is requested in response to this office action.

6. The text of those sections of Title 35, USC code not included in this action can be found in the prior Office Action.

Claim Rejections - 35 USC § 102

7. Claims 2-3, 5-7, 9-11, 13-15, 17-19, 21-23, 25-26, 28-30, 32-34 and 36-37 are rejected under 35 U.S.C. 102(e) as being anticipated by Alfvín et al. [U.S. Pat. No. 7231367].

8. As to claim 37, Alfvín teaches the invention as claimed including: a system comprising:
a plurality of mobile terminals [e.g., col. 3, lines 28-31], each of said mobile terminals having an application for generating and storing personal content in a memory, said personal content being selected from the group consisting of:

photographs, text, video, speech, calendar information, and location information [e.g., Abstract];

a mobile network communicating with the plurality of mobile terminals [e.g., Figs. 1a -1b];

a external communications network accessible through the mobile network [i.e., transmitting the images from the mobile network to the wired Internet where the service provider is located];

a media-diary server having a data repository [e.g., 200, Fig. 2], the media-diary server adapted to receive personal content from the mobile terminal and store the received personal content in the data repository [e.g., col. 1, line 62 – col. 2, line 10], the media-diary server also adapted to obtain other data from external databases through the external communications network [e.g., col.2, lines 29-40; Fig. 2; 210, Fig. 3; Note that billing invoice, order form, and index print are obtained from external databases associated with the service provider];

an applications server adapted to receive requests involving the use of personal content and associate the request with a personalized service [e.g., 220, Fig. 3; col. 5, lines 25-41];

an information generation block adapted to analyze the personal content and generate information based on the personal content and further, the information generation block is adapted to combine the generated information based on personal content with the other data obtained from external databases [e.g., col. 5, lines 6-34; note that the order form together with the index print of Fig. 2 is a based on the personal content (thumbnail images) and externally supplied invoice/billing information]; and

a service provision block responsive to the information generation block to generate and/or provide the associated personalized service incorporating the information generated and combined in the information generation block [e.g., col. 4, lines 3-43].

9. As to claim 2, Alfvín discloses a system according to claim 1, the system further comprising:

a selection block for selecting data to be retrieved from the external databases, the selection being made at least partially on the basis of generated information based on the personal content [e.g., col. 4, lines 22-43: "... permits the customer to select image fulfillment services and products ..."];

a receiver for receiving the selected data; and

an association block adapted to associate the received data with the personal content stored in the data repository [Note that photographic prints, enlargements, photographs composited with background, borders and templates ... are all associated with the images stored in the data repository];

wherein the service provision block is arranged to utilize the received data for generating and/or providing the personalized service [e.g., col. 4, line 44 – col. 5, line 5].

10. As to claim 3, Alfvín discloses the system according to claim 1, the system further comprising a data retrieval block for retrieving at least one stored object and/or item of data from the remote data repository;

and a server including application software for performing an action as a result of which information is generated, the action being to utilize the retrieved object and/or said data [e.g., col. 5, lines 60-67].

11. As to claim 5, Alfvín discloses the system according to claim 1, the system further comprising a billing system for generating charging information on the basis of the personalized service performed [e.g., col. 5, lines 12-17].

12. As to claims 6-7, Alfvín discloses the system according to claim 3, the system further comprising a subscription management block for receiving a subscription request at a server and processing said request on said server;

and wherein the data retrieval block is responsive to said processing to allow access of the service provision block to an object and/or stored information in the remote data repository in order to enable provision of the service requested [e.g., col. 6, lines 22-38].

13. As to claim 9, Alfvín discloses the system according to claim 6, wherein an object and/or generated information based on personal content is identified in the request, and the object

and/or generated information based on personal content defines the action to be performed by the server [e.g., Fig. 2; col. 4, lines 29-43].

14. As to claim 10, Alfvín discloses the system according to claim 2, wherein the personalized service includes a personal magazine in a paper and/or digital format and said received data comprising at least one item selected from the following data:

(i) calendar information, (ii) image/video information, or (iii) location information of the user; and

said selected data received from the external data storage includes information to be laid out in the personal magazine [e.g., note that the index print of Fig. 2 is in a form of personal magazine, wherein images stored in the central databases are selected/modified by the user (see col. 6, lines 1-9) and the product order forms (which are selected from other databases) are combined with the thumbnail images and sent out to customers periodically (see Abstract)].

15. As to claim 11, Alfvín discloses the system according to claim 10, wherein the selection block is arranged to use at least date information extracted from the personal content in order to select objects and/or extracted data from a time interval to be laid out in the personal magazine [e.g., col. 5, lines 60-67].

16. As to claims 13-15, 17-19, 21-23, 25-26, 28-30, 32-34 and 36, since the features of these claims can also be found in claims 2-3, 6, 9-11 and 37, they are rejected for the same reasons set forth in the rejection of claims 2-3, 6, 9-11 and 37 above.

Claim Rejections - 35 USC § 103

17. Claims 12 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alfvín et al. (hereafter "Alfvín") [U.S. Pat. No. 7231367], as applied to claims 2-3, 5-7, 9-11, 13-15, 17-19, 21-23, 25-26, 28-30, 32-34 and 36-37 above, further in view of Wang et al. (hereafter "Wang") [U.S. Pat. No. 7299281].

18. As to claims 12 and 24, Alfvín does not specifically teach that said information generation block includes at least (i) optical character/text recognition or (ii) pattern recognition.

However, using OCR or pattern recognition techniques to analyze captured images is well known in the art. In particular, when the captured images contain textual information, OCR or pattern recognition techniques are typically used to extract the text for purpose of identifying the imaged content. For example, Wang teaches using OCR to extract textual information from images captured from a series of screens, which assists in automatic indexing of the captured events or other special treatment of the images [e.g., Wang: col. 6, lines 1-9; col. 8, lines 1-19].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the OCR or pattern recognition techniques in Alfvín's system for assisting in subsequent handling of the images such as encrypting the sensitive images or assisting in organizing each customer's index print because the techniques could advance the quality of Alfvín's customer service, thereby making Alfvín's system suitable for a wide variety of applications.

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19. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Alfvin et al. (hereafter "Alfvin") [U.S. Pat. No. 7231367], as applied to claims 2-3, 5-7, 9-15, 17-19, 21-26, 28-30, 32-34 and 36-37 above, further in view of Official Notice.

20. As to claim 27, Alfvin does not specifically teach that the apparatus further comprises a daemon for activating the service provision block.

However, Official Notice is taken that using a daemon for internal applications acting as middleman between hardware and software is well known in the art.

It would have been obvious to one of ordinary skill in the art at the time the invention was made that to deploy a daemon in Alfvin's service provider for activating correct service block because it facilitates Alfvin's provisioning of various service functions in response to various of user requests.

21. A shortened statutory period for response to this action is set to expire 3 (three) months and 0 days from the mail date of this letter. Failure to respond within the period for response will result in ABANDONMENT of the application (see 35 U.S.C. 133, M.P.E.P. 710.02, 710.02(b)).

Conclusion

Examiner note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from

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the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the contest of the passage as taught by the prior art or disclosed by the Examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wen-Tai Lin whose telephone number is (571)272-3969. The examiner can normally be reached on Monday-Friday (8:00-5:00) .

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn can be reached on (571)272-1915. The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

(571) 273-8300 for official communications; and

(571) 273-3969 for status inquires draft communication.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Wen-Tai Lin

February 19, 2010

/Wen-Tai Lin/

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Primary Examiner, Art Unit 2454